UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,178	08/26/2003	Robert Linley Muir	FBR 20.545	4429

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KATTEN MUCHIN ZAVIS ROSENMAN
575 MADISON AVENUE
NEW YORK, NY 10022-2585

EXAMINER
BROCKETTI, JULIE K

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary		Application No.	Applicant(s)
		10/648,178	MUIR, ROBERT LINLEY
		Examiner	Art Unit
		Julie K Brocketti	3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>02 April 2004</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-37</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-37</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>26 August 2003</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08262003</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Election/Restrictions

After further consideration, the Examiner has withdrawn the restriction requirement and all claims have been examined.

Drawings

Figures 1-4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 11, 22 and 29 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 22 states "…a program processing components…" The use of the word "a" does not agree with the pluralization of the word "components". "A"

means "one" not more than one, which is contradictory to what the word

"components" alludes to.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-10, 9, 19, 27, 35 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 states "...a Game Set of platform independent game component modules..." Nowhere in the specification does it explain how the modules are broken down into "Game Sets". It would take a person undue experimentation to determine how to break the modules into game sets. Therefore the claim is not enabled.

Claim 9, 19, 27, 35 states "each user interface program module providing a different game appearance or game style". Nowhere in the specification does it state that the user interface program modules provide different game appearances or game styles or even how they do this. Therefore it would take

one undue experimentation to determine how to implement the limitations in

the claims. Therefore the claims are not enabled.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and
distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10, 23, 24, 30 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and

distinctly claim the subject matter which applicant regards as the

invention.

Claim 1 states "...each of the program processing components being an

instance of one of a plurality of logically different gaming program processing

platforms..." It is unclear what is meant by the phrase "being an instance".

This does not make sense and therefore renders the claim indefinite.

Claim 1 states, "...one or more platform specific Gaming Application

Programming Interfaces, each configured to run on a different one of the

plurality of gaming program processing platforms..." Since the claim states

"one or more", one platform is a possible choice. If the invention only has "one"

platform then it is unclear how it can be configured to run on "a different one

of the plurality of gaming program processing platforms." For example, if one

is chosen how can it run on a different platform interface? What would the

interface be different from?

Claims 6 and 7 recite the limitation "the electronic gaming machine".

There is insufficient antecedent basis for this limitation in the claim.

Claim 8 states "...each file containing one instance of one type of platform independent game component module." It is unclear what is meant by the phrase "one instance". This does not make sense and therefore renders the claim indefinite.

Claim 30 recites the limitation "the game combinations program module". There is insufficient antecedent basis for this limitation in the claim.

Claims 23, 24, 30 recite the limitation "the user interface". There is insufficient antecedent basis for this limitation in the claims.

The Examiner suggests reviewing all claims and correcting any antecedent basis issues. While these are the ones the Examiner has acknowledged there may be more.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 8-13, 18-24, 27-31 and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roseman, U.S. Patent No. 6,012,984 in view of Goldberg et al., U.S. Patent No. 5,823,879.

Roseman discloses a server for a distributed gaming system. A platform specific Gaming Application Programming Interface is configured to run on a plurality of different processing platforms. For example, since Roseman plays games via the Internet, any computer with an Internet connection can play the game; therefore, there can be multiple interfaces used. A first program-processing component acts as a server-processing unit. The server further includes a specific Gaming Application Programming Interface (See Roseman col. 4 lines 35-37). A plurality of games are stored on the server-processing unit. Each game is implemented as a game set of platform independent game programs (See Roseman col. 3 lines 20-25). The server communicates with a plurality of second program processing components acting as gaming consoles and running a plurality of gaming console specific Gaming Application Programming Interface. One console specific Gaming Application Programming Interface runs on each gaming console. The server specific Gaming Application Programming Interface located in the server processing unit functions to transfer at least one of the platform independent game component modules of one game set to a gaming console when it is run. The server specific Gaming Application Programming Interface functions to enable execution on the server of the platform independent game components not transferred to the gaming console. Therefore the Gaming Application Interfaces when running on different program processing components communicate with one another. The game files, whether running on the same or different program processing

components communicate with one another via their respective Gaming

Application Programming Interfaces to cooperatively implement the playing of a

game on the system. (See Roseman col. 5 lines 12-24; col. 7 lines 21-62)

[claims 1, 11, 22, 29]. For example, in playing a game, files are downloaded to

the user terminal while other files are kept on the server. The downloaded files

and the files stored in the server communicate with each other in order to play

the game. The user interface program comprises a graphics generation

program for generating images on a user display (See Roseman col. 5 lines 25-

31) [claims 3, 13, 24, 31]. One or more platform independent game component

files including at least one user interface program module file are distributed to

one or more of the gaming consoles for execution to display to a player playing

the game on the respective gaming console. The game outcome is determined

on the game combination program running on the server-processing unit and

communicated to the respective gaming console (See Roseman col. 7 lines 14-

45) [claim 37]. For example, the player plays the game on their console, but

verification of any winning game outcome is determined on the server-

processing unit.

Roseman lacks in disclosing game modules. Goldberg teaches of a

network gaming system in which a game program is broken down into game

component modules (See Goldberg Fig. 1). The modules include a game

combination program module and at least one user interface program module

(See Goldberg Fig. 1). Each platform independent game component module is

capable of running on any one of the game program processing platforms and

communicates with the system and other platform independent game

component modules in the plurality of platform independent game component

modules only through the Gaming Application Programming Interface of the

respective program-processing component on which it is running. A gaming

Application Programming Interface runs on each of the program processing

components. A Game Set of platform independent game component modules

each running on the program processing components (See Goldberg Fig. 1).

The game Set of platform independent game component modules cooperate to

provide functionality required to play a game o the system. The Game set of

platform independent modules includes a user interface program module and a

game combination program module. The user interface program module runs

on the user interface console to provide game progress and outcome

information to the user in response to information from the combination

program module (See Goldberg col. 4 lines 43-47; col. 5 lines 55-67) [claims 1,

11, 22, 29]. Goldberg further discloses that the game outcomes to be

displayed to a player are conveyed from a game combination program module

to the user interface program module via the respective platform specific

Gaming Application Programming interface (See Goldberg col. 7 lines 60-62)

[claims 2, 12, 23, 30]. For example, the cards are displayed to the player on

his display unit. It would have been obvious to one of ordinary skill in the art

to communicate the game outcome to the player via the user interface module.

By allowing the player to know what the game result is, they know whether or not they have won the game. Furthermore, Goldberg discloses that each game implementation comprises a plurality of files each file containing one type of platform independent game component modules (See Goldberg col. 3 lines 66-67) [claims 8, 18, 34]. Goldberg further discloses that the game implementation comprises a plurality of user interface program module files where each contains a user interface program module. The user interface program module provides a different game appearance or game style (See Goldberg col. 4 lines 43-47; col. 5 lines 55-67) [claims 9, 19, 27, 35]. For example, if a player is playing the game over the Internet it will look differently than if the player is playing the game over a cable connection or a stand alone gaming machine. Each game implementation comprises a plurality of game combination program module files each containing one game combination program module and each game combination program module providing a different set of game outcome possibilities (See Goldberg col. 6 lines 9-18) [claims 10, 20, 28, 36]. The combinations module runs on the server-processing unit to determine a game outcome (See Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to store the each game in Roseman as game component modules. Game component modules are well known throughout the art and are used to simplify and organize a computer program. To easily understand and alter programs they must be broken up into small components such as modules.

This helps the software designer change and fix problems with the program more easily. If a long program was written, they demand a high level of concentration and areas of unrelated levels of concern must be separated. Good programming style uses modules, which are easier to change, fix and replace.

Claims 4-7, 14-17, 25, 26, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roseman, in view of Goldberg et al., in further view of Alcorn et al., U.S. Patent No. 6,104,815. Roseman and Goldberg lack in disclosing the use of encryption and digital signatures. Alcorn teaches of a method and apparatus fro providing authenticated, secure, on-line communication between remote locations. The communication between two or more gaming program processing platforms and platform independent game component modules in the system is encrypted (See Alcorn col. 3 lines 62-64) [claims 4, 5, 14, 15, 25, 32]. The communication between two or more processing platforms and component modules in the system is secured by means of a digital signature (See Alcorn col. 7 lines 39-57) [claims 6, 7, 16, 17, 26, 33]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use encryption and digital signatures in the communications between the game processing platforms and the game component modules in the inventions of both Roseman and Goldberg. Encryption and digital signatures are well known throughout the art and are used to provide secure communications between two computing locations. By

using encryption and digital signatures in gaming communications one can be
ensured that the data has not been corrupted or tampered with during
transmission thereby providing extra security to the gaming environment.

Conclusion

Any inquiry concerning this communication or earlier communications
from the examiner should be directed to Julie K Brocketti whose telephone
number is 703-308-7306. The examiner can normally be reached on M-Th
7:30-5:00.

The fax phone number for the organization where this application or
proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from
the Patent Application Information Retrieval (PAIR) system. Status information
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http://pair-direct.uspto.gov. Should you have questions on access to the
Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-
9197 (toll-free).

Julie K Brocketti
Examiner
Art Unit 3713